

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT NEW YORK

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RAMON FABIAN,

16-CV-878 (LEK/DEP)

Plaintiff,

v.

**DECLARATION OF  
RAMON FABIAN**

CORRECTION OFFICER MICHAEL BUKOSWKI,  
individually and in his official capacity, Acting  
Commissioner New York State Department of Corrections  
And Community Supervision ANTHONY J. ANNUCCI,  
individually and in his official capacity, Sheriff PAUL I.  
VANBLARCUM, individually and in his official capacity,  
And JAMES HANSTEIN, individually and in his official  
Capacity,

Defendants.

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RAMON FABIAN hereby declares, upon information and belief, and under penalties of perjury pursuant to 28 U.S.C. §1746 the following to be true and correct:

1. I am the plaintiff in this action and submit this Declaration in further support of my Motion for a Default Judgment.

2. All statements of fact contained in the Complaint are true.

3. On or about July 22, 2014, several days after I arrived at the Ulster Correctional Facility, Officer Bukowski, yelled at me to shut up during the morning head count. After the head count was over, Officer Bukowski led me out of the view of the other inmates and ordered me to face the wall. As I was doing as directed, I saw the toe of a boot swinging up between my legs. I felt extreme pain and collapsed. Officer Bukowski order me to get up but I was in so much pain that all I could do is crawl back to my cubicle in the dormitory. I could not move and

lay there for almost an hour. I then hobbled to lunch where another officer sent me to the medical unit. I was then loaded in a van and driven to a hospital in Albany where they diagnosed me with a ruptured testicle. They then performed emergency surgery on me and removed a part of my right testicle.

4. As a result of Officer Bukowski's actions, I became depressed, anxious and feared for my safety. I experienced extreme pain and suffering which continues to this day. and continue to experience pain and suffering.

Dated: New York, New York  
11<sup>th</sup> day of October, 2017



RAMON FABIAN

Sworn to before me this  
11<sup>th</sup> day of October, 2017

  
Notary Public